

Date: April 25, 1979

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MEMBERS PRESENT

Chairman Vergiels
Vice Chairman Craddock
Mr. Banner
Mrs. Hayes
Mrs. Westall
Mr. Stewart
Mr. Malone

MEMBERS ABSENT

Mrs. Wagner
Mr. Webb

Chairman Vergiels called the meeting to order at 3:00 p.m. and announced that this meeting had been called to hear the proposed amendments to A.B. 519 which had been worked out in the subcommittee headed by Mr. Malone.

ASSEMBLY BILL 519

Bob Petroni, attorney for the Clark County School District, explained the proposed amendments to A.B. 519, some of which have been agreed upon between the school district and the Nevada State Education Association, represented by Joyce Woodhouse, and some of which have not, and they are so marked. Copies of the proposed amendments are attached hereto and marked Exhibit A.

Chairman Vergiels announced that the committee would meet again on Thursday, April 26, to take further action on the amendments.

Chairmsn Vergiels adjourned the meeting at 3:30 p.m.

Respectfully submitted,



Ruth Olguin
Committee Secretary

Amend AB 519 as follows:

Amend Section 1, page 1

Line 8, strike "clearly".

Line 8, change "reason" to "reason(s)".

Amend Section 1, page 2, line 1, by inserting (b).

Line 11, insert after "turpitude" (.) or immorality.

Section 2, line 13, delete brackets

After line 14, insert "The superintendent may recommend that an employee, charged with a felony or a crime involving immorality be dismissed for any of the other grounds provided in NRS 391.312."

Line 19, delete brackets.

Delete lines 20 through 22 inclusive and substitute:

4. "A certificated employee shall continue to be paid the employee's regular salary during the period of suspension and until the decision of the board or report of the hearing officer if it is final and binding, if and during such time the employee furnishes to the school district a suitable bond, or other security acceptable to the school district, as a guarantee that the employee will repay to the school district the amount of salary so paid to the employee during the period of suspension in case the decision of the board or final and binding report of the hearing officer is that the employee shall be dismissed or not reemployed".

amends the bill line by line

Amend AB 519 Pg 1

Page 2
Not Agree

Line 20, delete brackets and strike "12 months".

Add new paragraphs 5, 6, and 7 to NRS 391.314.

5. "A certificated employee who has been convicted of a crime which requires registration as a sex offender as provided in NRS 207.151, or conviction involving NRS 200.508, NRS 201.265 and NRS 207.260, shall forfeit all rights of employment retroactive to the date of the arrest".

6. "A certificated employee who has been convicted of a crime which results in serving a jail sentence shall forfeit all rights of employment retroactive to the date of arrest or the last date of employment whichever is latest".

7. "A certificated employee who is charged with a felony or crime involving immorality or moral turpitude, and while on suspension waives the right to a speedy trial, and is subsequently found innocent or the charges are dismissed shall be entitled to no more than twelve (12) months of back pay and seniority when reinstated by the superintendent, unless dismissal proceedings have been brought for one or more of the other grounds contained in NRS 391.312."

Line 23, change 5 to 8.

Amend Section 4, page 2:

Line 41, strike bracket.

Section 4, page 3, line 2, change "shall" to "may".

Page 3, line 4, delete . and substitute , and add if the certificated employee and the superintendent agree in writing at least 5 school days prior to requesting the hearing officer list.

Page 3, line 7, add new language: The board and the certificated employee each shall pay one-half the costs of the hearing.

Amend Section 5, page 3:

Amend AB 519 Pg 2

Not Agree Page 5

Line 24, delete 2 and insert 30 school prior to "days".

Amend AB 519 Pg 3

Line 14, insert after "a" postprobationary.

Page V
Not Agree

Page VI
Not Agree

Amend AB 519 Pg 3

Line 14, insert after "employee", or dismiss or demote a postprobationary
employee.

Amend Section 7, page 3:

Line 38, strike bracket.

Line 39, delete "or hearing commission".

Lines 40 and 41, delete "or hearing commission".

Line 43, strike bracket.

Line 45, strike bracket.

Line 48, strike barcket and "3".

Amend Section 7, page 4:

Line 1, delete bracket and delete "the appointed commission members shall not forfeit any salary or employment benefits for performing their duties as commission members".

Line 4, delete "7".

Line 6, strike bracket.

Amend Section 8, page 4:

Section 8, page 4, line 15 by striking "recommendations" and inserting "report".

Section 8, page 4, line 16 by striking "are" and inserting "is".

Section 8, page 4, line 16 by deleting . and inserting , "if the employee and superintendent agree in writing prior to the commencement of the selection of the hearing officer".

Line 27, strike bracket.

Line 28, delete "or hearing commission".

Line 31, delete "At the next regular board meeting" and insert "Within 15 days".

Line 33, delete "or hearing commission's".

Line 36, delete "or hearing commission".

Line 37, delete "or hearing commission".

Section 9, page 4, line 40 by striking "or board".

Section 9, page 4, line 41 by striking "hearing officer", and inserting "board".

Section 9, page 4, line 42 add new paragraph:

5. "If the report of the hearing officer is final and binding, the employee or board may request judicial review in accordance with the provisions of Chapter 38 of NRS".

Amend AB 519

*Page IX
Not Agree*

Section 10, page 4, delete first paragraph of 391.3197 and insert: Page 10

1. "Probationary certificated employees are employed only on an annual basis during the first 2 consecutive contract years and have no expectancy of continued employment after each consecutive contract year. On or before April 1, of each school year, the board of trustees or its designee shall notify probationary certificated employees in writing of their reemployment for the next school year. The probationary employee shall by April 10, notify the board or its designated representative in writing of acceptance of reemployment. Failure to do so within the time specified shall be conclusive evidence of rejection of the contract".

(a) "If the board, or person designated by it, notified the probationary employee in writing that the employee is not to be reemployed for the coming school year, the employee's employment with the board shall terminate at the end of the present school year as designated in the employee's contract".

(b) "In the event a probationary administrator is notified of nonreemployment for the coming school year, the administrator shall have the right to accept a contract to teach for the coming school year. The administrator shall make this decision in writing on or before April 10, or the failure to notify the board or its designee in writing within the specified time limit shall be conclusive evidence of the employee's rejection of the offer to accept a teaching position".

Amend AB 519 Sec 10 Pg 4 Not Agree

2. The provisions contained in paragraph 1 above apply only to those certificated employees who commence in their position after June 30, 1979.

Amend AB 579 Pg 4

Page 11
Not Agree

Line 49, change "2" to "3".

Amend AB 519

Page 5, line 4, change "3" to "4".

Page XII
Not Agree
Page 13

Agree

Ament AB 519

Page 5, delete lines 7 through 10.

Page 5, line 31, delete "391.3191" and "391.31915".

Further Amend AB 519 by adding the following:

Amend NRS 391.311:

Page 15

The following terms, whenever used or referred to in NRS (391.312 to 391.3196) 391.3115 to 391.3197 inclusive, have the following meaning unless a different meaning clearly appears in the context:

1. "Administrator" means any certificated employee (the majority of whose working time is devoted to service as a superintendent, supervisor, principal, or vice principal in a school district.) who is certified as an administrator, and is employed in that capacity by a local school district.
2. "Board" means the board of trustees of the school district wherein a teacher affected by NRS 391.311 to (391.3196,) 391.3197, inclusive is employed.
3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility, or pay and does not include transfer and reassignment of an administrator for the purposes of administrative reorganization.
6. "Superintendent" means the superintendent of a school district or the (person acting as such). administrator designated by the school board or superintendent to act in the capacity of superintendent, during the superintendent's absence.
7. "Teacher" means a certificated employee the majority of whose working time is devoted to the rendering of direct educational service to students of a school district.
8. Immorality means the type of act which may constitute a criminal offense pursuant to the provisions of NRS 200.566, 200.368, 201.180, 201.210, 201.220, 201.230, 200.400, 200.508, 201.265, or 207.260.

then add it to the professional practice act.

Amend NRS 386.311

4. ("Postprobationary teacher") "Postprobationary" means the status of a Page 16
teacher who has (completed) taught or an administrator who has admin-
istered for (3) 2 consecutive probationary (teacher) contracts in a Nevada
school district and is employed for a (4th) third consecutive year (.) as
a teacher or as an administrator, respectively.

Amend NRS 391.311

*Page III
Not Agree*

- 5. ("Probationary teacher") "Probationary" means the status of a teacher or an administrator in the first (3) 2 consecutive contract years of employment in a Nevada school district (.) as a teacher or as an administrator, respectively, including any authorized leave of absence during that period.

391.3115 Provisions of NRS 319.311 to 391.3197 inapplicable to substitute or adult education teachers, certain other employees.

4. Certificated employees who are employed on temporary contracts in place of certificated employees on authorized leaves of absence or certificated employees who are employed on temporary contracts for a period of less than 91 school days during the school year in place of certificated employees who have terminated after the commencement of the school year; but during such period of employment, the temporary employee shall receive credit toward his postprobationary status and shall not be dismissed, suspended or demoted except as otherwise provided in NRS 391.311 to 391.3197, inclusive.

Amend NRS 391.3116

The provisions of NRS 391.311 to 391.3197, inclusive, do not apply to a teacher or administrator who has entered into a contract with the board, (as a result of the Local Government Employee-Management Relations Act, is such contract provides) if the contract contains separate provisions, negotiated pursuant to Chapter 288 of NRS, relating to the board's right to dismiss or refuse to reemploy such teacher(.), or demote, dismiss or refuse to reemploy such administrator.

Amend NRS 391.31915:

1. After appointment of the list, the certificated employee and superintendent are entitled.) (a)T to challenge peremptorily one of the list at a time, alternately, until only one remains, who shall serve as hearing officer for the hearing. The superintendent and certificated employee shall draw lots to determine first choice to challenge a member of the list.

(b) To challenge peremptorily the hearing officer appointed to a hearing commission when such commission is required, in which case:

(1) The superintendent and certificated employee shall each have two peremptory challenges.

(2) The superintendent and certificated employee may exercise their two challenges until they have exhausted their right to challenge or waive their right to such challenge.)

2. The state department of education shall prepare a procedure for exercising challenges to the hearing officer (and hearing commission chairman) and set time limits in which the challenges may be exercised by the certificated employee and the superintendent. The superintendent, within ten (10) days from the receipt of a request for appointment of a hearing officer, shall designate seven attorneys on the hearing list.

Amend NRS 391.3196

1. On or before April 1 of each year, the board of trustees shall notify post-probationary certificated employees, in writing, by certified mail or by delivery of a certificated employee's contract, to the certificated employees in their employ, concerning their reemployment for the ensuing year. If the board, or person designated by it, fails to notify a postprobationary certificated employee who has been employed by a school district of his status for the ensuing year, the employee shall be deemed to be reemployed for the ensuing year. (.) under the same terms and conditions as the current year.

2. This section does not apply to any certificated employee who has been recommended to be demoted, dismissed or not reemployed if such proceedings have commenced and no final decision has been made by the board.

(a) A certificated employee who has been recommended for reemployment may be demoted or dismissed after the date of notification of reemployment if grounds exist pursuant to NRS 391.312.

3. Any certificated employee who is reemployed pursuant to subsection 1 shall by April 10, notify the board of trustees in writing of his acceptance of employment. Failure on the part of the employee to notify the board of acceptance within the specified time limit shall be conclusive evidence of the employee's rejection of the contract.

4. If the certificated employees are represented by a recognized employee organization pursuant to Chapter 288 of NRS, and negotiation has been commenced pursuant to NRS 288.180, then the provisions of subsection 1, 2, and 3 shall not apply except for nonreemployment procedures and prior to April 10 of each year the employees shall notify the board in writing, on forms, provided by the board, of their intention to accept reemployment. Any agreement negotiated by the recognized employee organization and the board shall become a part of the contract of employment between the board and the employee. The board of trustees shall mail contracts by certified mail with return receipts requested, to each employee to be reemployed at his last known address or shall deliver such contract in person to each employee, obtaining a receipt therefor. Failure on the part of the employee to notify the board of acceptance within ten (10) days after receipt of such contract shall be conclusive evidence of the employee's rejection of the contract.

- 3. Prior to transfer or assigning an administrator to another administrative position, the Superintendent shall give the administrator at least thirty (30) days written notice of a new assignment and the administrator may appeal the recommendation of the Superintendent to the Board of School Trustees. The request by the administrator to the Board of School Trustees to hear the matter shall be in writing and be received by the President of the Board no later than five (5) days after the administrator has been informed by the Superintendent of the pending transfer or reassignment.
- 4. The Board of School Trustees shall hear the matter within (10) calendar days after having received the written request from the administrator. The Board of School Trustees shall then render a final decision within five (5) days after hearing the matter and the decision shall be final and binding on the administrator and the Superintendent.

EXHIBIT A
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